

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint REGULAR Meeting

Wednesday, November 13, 2019 * 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

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CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Kristi Becker, Councilmember

Kelly Harless, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:08 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Workplace Gender Equity Day

Maria McEneaney spoke about the Commission on the Status of Women and Girls, that the commission represents the cities in the county and advises the Board of Supervisors on the status of women and girls and their needs, and the main issues of concern right now was violence against women, human trafficking and homeless.

Mayor Zito presented a Proclamation for Workplace Gender Equity Day to the Kim Center for its efforts to make San Diego Country a national first model of success for workplace gender equity.

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

International Kindness Pledge

Mayor Zito made a short introduction and signed the Mayor's Pledge designating the City as a City of Kindness.

Jonathon Collopy spoke about businesses in the City posting flyers the share about World Kindness Day, information posted on the City's website, cited some various efforts by the school districts and Harbaugh Foundation, and reminding everyone to take the opportunity to be kind.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Kathleen Lippitt, health practitioner, submitted a handout (on file) spoke about the higher rate of Marijuana usage, preventing teen use of Marijuana, retail stores in the City, storefronts profiting off young people, marijuana businesses advertising to young people on social media, and a study regarding teens who follow marijuana retailers on social media being more likely to use it.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for October 05 – October 25, 2019.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.2. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.3. Community Development Agreements (File 0600-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-143** authorizing the City Manager to execute a Professional Services Agreement with Hogan Law APC.
2. Adopt **Resolution 2019-144** authorizing the City Manager to execute Professional Services Agreements with Helix Environmental Planning, Inc., Harris & Associates, Inc., Michael Baker International, Inc., The Altum Group, and ESA.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Master Art Policy Compliance – 330 South Cedros Revised Public Art Proposal.

(File 0600-40)

This item was pulled from the agenda.

B. PUBLIC HEARINGS: (B.1. – B.5.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Schedule of Fees Update (File 0390-23)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing; Report Council Disclosures; Receive Public Testimony; Close the Public Hearing.
2. Consider adoption of **Resolution 2019-149** updating the Schedule of Fees effective January 1, 2020.

Greg Wade, City Manager, introduced the item.

Mayor Zito opened the public hearing.

Marie Berkuti, Finance Director, presented a PowerPoint (on file).

Council and Staff discussed e-check capability with TRAKiT in the future, current fees going through December, new fees being instituted in January, the facility rental fee being optional if users have their own insurance, the valuation table being set at 2009, and that the bands, in Attachment B, were increased at 2.5%.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Edson to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

B.2. Community Development Block Grant Funds – ADA Pedestrian Ramp Improvements Fiscal Year 2020-2021 (File 0390-32)

The proposed project meets the minimum objective requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Adopt **Resolution 2019-146:**
 - a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
 - b. Approving the list of public street ADA ramp locations.
 - c. Requesting FY 2020-21 Community Development Block Grant Funds for ADA pedestrian ramp improvements at various public street intersections.
 - d. Finding that all of FY 2020-21 CDBG funds, presently estimated at a total of \$44,520, are designated to be used for ADA pedestrian ramp improvements.
 - e. Authorizing the City Manager to execute the County contract for management and implementation of the CDBG program.

Greg Wade, City Manager, introduced the item.

Mayor Zito opened the public hearing.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Council and Staff discussed combining multiple the anticipated funding, seeking other funds for the improvements, and that the City had targeted the locations at which funds would be used for ADA Ramps.

Motion: Moved by Councilmember Harless and second by Deputy Mayor Edson to approve. **Approved 5/0.** Motion carried unanimously.

B.3. Introduce (1st Reading) Ordinance 507 - Floodplain Overlay Zone (File 0610-10)

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. If the Council could make the findings as required under SMBC section 17.76.070, introduce **Ordinance 507** to amend the Solana Beach Floodplain Overlay Zone (Sections 17.80.020, 17.80.090, 17.80.110, 17.80.120, 17.80.140, 17.80.150 and 17.80.200) of the SBMC.

Greg Wade, City Manager, introduced the item.

Council and Staff discussed that the Eden Gardens Substation Pump Station was in the floodplain zone, it was upgraded a couple of years ago, and that it was equipped to handle a one-hundred year flood.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

B.4. Public Hearing: 710 W. Solana Circle, Applicant: Hoverman, Case 17-18-29.
(File 0600-40)

The proposed project meets the minimum objective requirements under the Park Del Mar Development regulations and the underlying SBMC, could be found to be consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-147** conditionally approving a DRP to allow for the construction of a new 1,997 square foot one-story, single-family residence and garage at 710 West Solana Circle.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Director, presented a PowerPoint (on file).

Deputy Mayor Edson recused herself due to conflicts of property within the 500 ft. radius.

Mayor Zito opened the public hearing.

Council disclosures.

Greg Fine, Architect, spoke about the structure being under 16 ft. at approximately 14 ft. high, efforts to establish and maintain the setbacks on the north side of the property at 12 ft., the plant heights would be no higher than 24 inches and the retaining wall would be no taller than 24 inches, the neighbor's views, and their work with surrounding neighbors to make the project compatible with the neighborhood.

Council and Architect discussed the low voltage lighting to be installed on the exterior door on the northern side, homeowner being in agreement if solar was conditioned, considering installing EV charging in the garage, other energy saving additions in the home, the framing of the pad which would stay inside the envelope, confirming that the frame was in conformance with the plans, and the homeowners agreeing to a formal condition of approval.

Tom McGreal spoke about several conditions of the Park Del Mar HOA approval relating to the northern boundary including the landscaping was not specified in the plans or the City's documentation, requesting that Council include the terms of the HOA approval into the development permit so there would be consistency between the two, and believed the Architect was in agreement with the height limitation on the landscaping and fencing.

Council and Staff discussed conditioning the solar requirement and a survey after framing, low voltage lighting, and enforcing the HOA Rules.

Motion: Moved by Councilmember Harless and second by Councilmember Hegenauer to close the public hearing. **Approved 4/0/1 (Recused: Edson).** Motion carried.

Motion: Moved by Councilmember Becker and second by Councilmember Hegenauer to approve with the following conditions: that the vegetation along the northern wall not exceed 24 inches in height, the fence along the northern boundary will not exceed 42 inches in height, that solar panels will be required and that a survey will be done on the final framing. **Approved 4/1/1 (Noes: Zito, Recused: Edson).** Motion carried.

B.5. Public Hearing: Mixed Use Development at the Northwest Corner of South Highway 101 and Dahlia Drive, Applicant: Zephyr Partners, Case 17-14-08.
(File 0600-40)

The proposed DRP condition amendments meet the minimum objective requirements under the SBMC and may be found consistent with the Highway 101 Specific Plan and General Plan. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Receive Public Testimony, Close the Public Hearing.
2. If the City Council makes the requisite findings to approve the request for a SUB/DRP/SDP/CSP Modification, adopt **Resolution 2019-139** to revise specific

conditions of approval in Resolution No. 2018-099 as well as modifications to the Mixed Use Development at the Northwest Corner of S. Highway 101 and Dahlia Drive, Solana Beach.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Greg Wade, City Manager, stated that Staff prepared additional conditions of approval and some modifications to the building site including landscaping surrounding the right-of-way, types of restaurants, parking garage, vehicle charging stations, and the SCOUP (Sand Compatibility and Opportunistic Use Program) permit.

Mayor Zito opened the public hearing and called for Council disclosures.

Council and Staff discussed waiving the SDP if no condition of view impairment existed because of a height change of the front building, that solar panels were are not a requirement in the conditions of approval but were contemplated in the EIR to mitigate for GHG (Green House Gas), Applicant signed a GHG (Green House Gas) reduction the SCOUP Program and its impact, due to the content of “fines” in the sandy material, the agreement recommended that it be placed into the nearshore so it could settled by wave action on the beach, that Staff could come up with a timeline for trucking the material to the beach, and that the removal of the mezzanine would create more room for solar panels to cover an expanded second floor but would not create view impairment.

Ryan Herrell, Applicant, Zephyr, presented a PowerPoint (on file) and spoke about the challenges with a new architect, the restaurant square footage being reduced but the actual usable interior and exterior space of the restaurant stayed the same, the Coastal Commission review of the plans and issuance of a permit, the relocation of the residential garage access on S. Sierra to the north where the office building had a ramp, increase of the landscape width throughout the space, the better design and accomplishment of many of the community’s goals, requesting reconsideration of Condition 8.a. and b. which is to make the pathway wider for an increase in the landscape buffer around the perimeter of the building, the restaurant height was reduced to slope up towards Highway 101, the awning on the south retail building was removed, the size of the plants were reduced with the same amount of trees and planters, private unit walkways were removed, all residents and guests will park in the subterranean garage, reconsidering the condition for residential parking where the code requires two spaces per two bedroom unit, and to consider increasing the dedicated office space parking from 21 to 29 spaces.

Council, Staff, and Applicant discussed the Solana 101 sign, the lower roof height of 17.5 ft. and heightened pitch and 30 inches lower at another portion, the common area between the office building and apartment building, the greenhouse gas mitigation duration being limited to 30 years, signage for EV parking spaces to be distributed for restaurant, retail and residential spaces.

Gary Martin spoke about concerns that the project created on-street parking problems by not providing as many opportunities to park inside the project garage, that empty EV

spaces at other shopping centers push non-EV drivers to park on the street, the significant shortage of current street parking for the condominiums and visitors to the beach.

Council and Staff discussed the 30-year limit for GHG mitigation duration, which would be a standard for the general life of the project that it was used during the EIR review, and the GHG actually came from the mixed-land use of the project.

Mayor Zito recessed the meeting at 9:12 p.m. and reconvened at 9:21 p.m.

Council, Staff, and Applicant discussed that there was no plan for parking garage sensors that would indicate the availability of spots in the garage, parking signage and other parking issues, the reduction of the small walking pathway from 8 ft. to 6 ft., the deletion of a restaurant and retail would impact the community as well as reduce sales tax, that clarity was needed to show that the modified structures would not impact views, reduction of the size of the courtyard, flexibility to the number of spaces applied to each tenant, EV charging in commercial spaces, reduction in affordable housing, no gathering space, the door locations remaining on the units on Dahlia, work on SCOUN, the removal of walkways, the northern half of the project was massive and out of scale, opening up the patios off of the offices as part of the open space and not for private areas for offices.

Motion: Moved by Councilmember Harless and second by Councilmember Hegenauer to close the public hearing. **Approved 5/0.** Motion carried.

Motion: Moved by Councilmember Harless and second by Councilmember Becker to approve the amended DRP conditions of approval as outlined and defer signage for CAV and EV parking until the applicant and staff can come with the final proposal, changing the language of the Greenhouse gas mitigation to extend for the life of the project. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.1. - C.3.)

Submit speaker slips to the City Clerk.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Edson to move up the item. **Approved 5/0.** Motion carried.

C.3. Clean Energy Alliance (CEA) Upfront Costs. (File 1010-46)

Recommendation: That the City Council

1. Adopt **Resolution 2019-150:**

- a. Authorizing the City to provide \$150,000 for the City's equal share in upfront costs to develop CEA for FY 2019/2020.
- b. Authorizing the City Manager to negotiate a no-interest Cost Reimbursement for Member Agency Support Agreement with CEA.

Greg Wade, City Manager, introduced the item.

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Council and Staff discussed that the funds would be paid from the general fund, that there was no appropriation or expenditure for the item on the balance sheet because the City was expected to be reimbursed from the JPA, it would be shown as a receivable from other governments, and that the City was confident that the money would be returned in less than 36 months.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Edson to approve. **Approved 5/0.** Motion carried unanimously.

C.1. Proposed Netly Cabinet Locations for Fiber Optic Network in Public Right of Way (File 1000-10-05)

Recommendation: That the City Council

1. Receive report and provide direction as necessary for the proposed Netly cabinet locations and possible wrapping design options.

Greg Wade, City Manager, introduced the item.

Mo Sammak, Director of Engineering and Public Works, presented a PowerPoint (on file).

Council, Staff, and Netly Representatives discussed that the artistic cabinet wraps were the last part of the installation and could be picked out at any time, installation of the fibers would take one to two months, the cabinet locations, that in the future each provider would have to be treated the same so another applicant would sign an agreement, Netly would place the fibers and allows other users to use it so the cable and fiber cabinets should be done once, the wraps were not difficult to replace and were an expense, the cabinets would need to be accessed regularly by providers, that the PUC (Public Utilities Commission) has granted Netly access to the right-of-way.

Council discussed the process for picking artistic cabinet wraps, options for notifying the neighborhoods and homeowners to let them pick preferred wrap options in their area.

Council provided direction to Staff regarding using cabinet 1 as a test to have staff work with the property owner regarding location and options for the wrap design.

C.2. Adopt (2nd Reading) Ordinance 506 – Building and Fire Code Updates
(File 0250-70)

Recommendation: That the City Council

1. Adopt **Ordinance 506** (2nd Reading) amending Title 15 of the Solana Beach Municipal Code.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

ADJOURN:

Mayor Zito adjourned the meeting at 11:06 p.m.

Megan Bavin, Deputy City Clerk

Approved: May 6, 2020